



## ORDINARY COUNCIL MEETING

### NOTICE OF MEETING

To: Mayor Jan-Claire Wisdom

Councillor Ian Bailey
Councillor Kirilee Boyd
Councillor Nathan Daniell
Councillor Pauline Gill
Councillor Chris Grant
Councillor Linda Green
Councillor Malcolm Herrmann
Councillor John Kemp
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Andrew Stratford

Notice is given pursuant to the provisions under Section 83 of the *Local Government Act 1999* (the Act) that the next meeting of the Council will be held on:

**Tuesday 28 April 2020**

**6.30pm**

**To be held in the Zoom virtual meeting room**

Notice of this meeting is supplied to Council Members under Section 83 of the Act.

Public notice of this meeting is supplied under Section 84 of the Act.

Following amendments to s90 of the Act, this meeting of the Council is taken to be conducted in a place open to the public given that the Council Members will be participating via electronic means and the public can access a live stream of the meeting via the link contained on Council's website.

**Andrew Aitken**  
Chief Executive Officer



## **ORDINARY COUNCIL MEETING**

### **AGENDA FOR MEETING**

**Tuesday 28 April 2020**

**6.30pm**

**To be held in the Zoom virtual meeting room**

### **ORDER OF BUSINESS**

**1. COMMENCEMENT**

**2. OPENING STATEMENT**

“Council acknowledges that we meet on the traditional lands of the Peramangk and Kurna people and we recognise their connection with the land.

We understand that we do not inherit the land from our ancestors but borrow it from our children and in this context the decisions we make should be guided by the principle that nothing we do should decrease our children’s ability to live on this land.”

**3. APOLOGIES/LEAVE OF ABSENCE**

- 3.1. Apology  
Apologies were received from .....
- 3.2. Leave of Absence
- 3.3. Absent

**4. MINUTES OF PREVIOUS MEETINGS**

Council Meeting – 24 March 2020

*That the minutes of the ordinary meeting held on 24 March 2020 as supplied, be confirmed as an accurate record of the proceedings of that meeting.*

Special Council Meeting – 21 April 2020

*That the minutes of the special meeting held on 21 April 2020 as supplied, be confirmed as an accurate record of the proceedings of that meeting.*

**5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL**

**6. MAYOR'S OPENING REMARKS**

**7. QUESTIONS ADJOURNED/LYING ON THE TABLE**

7.1. Questions Adjourned

Nil

7.2. Questions Lying on the Table

Nil

**8. PETITIONS / DEPUTATIONS / PUBLIC FORUM**

8.1. Petitions

Nil

8.2. Deputations

Nil

**9. PRESENTATIONS (by exception)**

Nil

**10. QUESTIONS ON NOTICE**

Nil

**11. MOTIONS ON NOTICE**

Nil

**12. ADMINISTRATION REPORTS – DECISION ITEMS**

12.1. East Waste 2020-21 Annual Business Plan and Budget

1. *That the report be received and noted*
2. *To provide consent to the Eastern Waste Management Authority Draft Annual Plan 2020-21.*

12.2. AHRWMA 2020-21 Annual Business Plan and Budget

1. *That the report be received and noted*
2. *To approve the Adelaide Hills Region Waste Management Authority Draft Annual Business Plan and Budget 2020-21.*

12.3. 2020 – 2024 Strategic Plan Adoption

1. *That the report be received and noted*
2. *To adopt the 2020-24 Strategic Plan, as contained in Appendix 1, in accordance with Section 122 of the Local Government Act 1999.*
3. *That the CEO, or delegate, be authorised to:*
  - a. *Make any necessary formatting, nomenclature or other minor changes to the Plan prior to being published and*
  - b. *Determine the publishing timings, format, and media processes while ensuring consistency and compliance with the provisions of applicable legislation.*

12.4. 2020 – 21 Long Term Financial Plan Adoption

1. *That the report be received and noted.*
2. *To adopt the 2020-21 Long Term Financial Plan, as contained in Appendix 1 to this report, in accordance with Section 122 of the Local Government Act 1999.*
3. *To note that additional documentation will be provided as part of the 2020-21 Annual Business Plan and Budget to illustrate the impact of the 2020-21 budget settings on the long term financial performance of the Council, and hence whether financial sustainability is being achieved.*

12.5. Road Land Acquisition from DPTI – Houghton & Aldgate

1. *That the report be received and noted*
2. *To accept a transfer of land from the Commissioner of Highways for Allotment 13 in Deposited Plan No. 26030 contained in Certificate of Title Volume 5741 Folio 518 being Lot 13 Horn Street, Houghton from the Commissioner of Highways*
3. *To accept a transfer of land from the Commissioner of Highways for Allotment 51 in Deposited Plan No. 82071 contained in Certificate of Title Volume 6058 Folio 751 being Lot 51 Strathalbyn Road, Aldgate from the Commissioner of Highways*
4. *To delegate to the Chief Executive Officer to execute the necessary documentation to give effect to this resolution.*
5. *To authorise the publication of the resolution in the Government Gazette as required by Section 208 of the Local Government Act 1999 to declare the roads to be public road.*

12.6. Range Road South Houghton Pedestrian Movements

1. *That the report be received and noted.*
2. *That Council write to the City of Tea Tree Gully indicating that Council will not be providing additional pedestrian infrastructure on Range Road South.*

12.7. CEO Performance Review Process & Panel Schedule

1. *That the report be received and noted*
2. *That the 2020 CEO Performance Review and TEC package review be undertaken using an external consultant.*
3. *That the 2020 CEO Performance Review Panel Meeting and Process Schedule (as amended), as contained in Appendix 1, be adopted.*

12.8. CEO Performance Target Update

1. *That the report be received and noted*
2. *That the Community Perception Survey performance target be deferred until the impact of the COVID-19 restrictions have sufficiently abated.*
3. *That the Boundary Reform performance target be modified for the final stage of consultation to be deferred until the social distancing restrictions associated with COVID-19 are sufficiently reduced/removed, and once the consultation is complete, the final report will be brought to Council for consideration.*
4. *That the Community and Recreation Facilities Framework performance target be modified to reflect the overall complexity of this target; and for delivery of a community consultation implementation plan to be presented by 30 June 2020 instead.*

12.9. CEO PRP Independent Member Deferral

1. *That the report be received and noted*
2. *To defer the recruitment of an Independent Ordinary Member until the social distancing restrictions associated with COVID-19 are sufficiently reduced/removed.*

12.10. Draft Fraud Corruption Misconduct & Maladministration Policy

1. *That the report be received and noted.*
2. *With an effective date of 12 May 2020, to revoke the 13 June 2017 Fraud & Corruption Prevention Policy and to adopt the 28 April 2020 Draft Fraud, Corruption, Misconduct and Maladministration Policy as per Appendix 1.*
3. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 28 April 2020 Draft Fraud, Corruption, Misconduct and Maladministration Policy as per Appendix 1 prior to the effective date.*

12.11. Confidential Items Review

*See Agenda Report*

12.12. Status Report – Council Resolutions Update

*See Agenda Report*

**13. ADMINISTRATION REPORTS – INFORMATION ITEMS**

- 13.1. AHC Covid-19 Response

**14. QUESTIONS WITHOUT NOTICE**

**15. MOTIONS WITHOUT NOTICE**

**16. REPORTS**

- 16.1. Council Member Function or Activity on the Business of Council
- 16.2. Reports of Members/Officers as Council Representatives on External Organisations
- 16.3. CEO Report

**17. REPORTS OF COMMITTEES**

- 17.1. Council Assessment Panel  
*Nil*
- 17.2. Strategic Planning & Development Policy Committee  
*Nil*
- 17.3. Audit Committee – 20 April 2020  
*That the minutes of the Audit Committee meeting held on 20 April 2020 as supplied, be received and noted*
- 17.4. CEO Performance Review Panel - 9 April 2020  
*That the minutes of the CEOPRP meeting held on 9 April 2020 as supplied, be received and noted.*

**18. CONFIDENTIAL ITEMS**

*Nil*

**19. NEXT MEETING**

Tuesday 26 May 2020, 6.30pm, ZOOM virtual meeting room

**20. CLOSE MEETING**

## Council Meeting/Workshop Venues 2020

DATE	TYPE	LOCATION	MINUTE TAKER
<b>MAY 2020</b>			
12 May	Workshop (TBC)	Zoom Virtual Meeting Room	N/A
13 May	Council Assessment Panel	Zoom Virtual Meeting Room	Karen Savage
18 May	Audit Committee	Zoom Virtual Meeting Room	Kylie Hopkins
19 May	Professional Development (TBC)	Zoom Virtual Meeting Room	N/A
26 May	Council	Zoom Virtual Meeting Room	Kylie Hopkins
<b>JUNE 2020</b>			
4 June	CEO PRP	Zoom Virtual Meeting Room	TBA
9 June	Workshop (TBC)	Zoom Virtual Meeting Room	N/A
10 June	Council Assessment Panel	Zoom Virtual Meeting Room	Karen Savage
16 June	Professional Development (TBC)	Zoom Virtual Meeting Room	N/A
23 June	Council	Zoom Virtual Meeting Room	am Williams
<b>JULY 2020</b>			
8 July	Council Assessment Panel	Zoom Virtual Meeting Room	Karen Savage
9 July	CEO PRP	Zoom Virtual Meeting Room	TBA
14 July	Workshop (TBC)	Zoom Virtual Meeting Room	N/A
21 July	Professional Development (TBC)	Zoom Virtual Meeting Room	N/A
28 July	Council	Zoom Virtual Meeting Room	Pam Williams

*Meetings are subject to change, please check agendas for times and venues. All meetings (except Council Member Professional Development) are open to the public.*

## Community Forums 2020

**6.00 for 6.30pm**

*(dates and venues to be confirmed)*

DATE	LOCATION
Tues 31 March	Mylor (Postponed)
Tues 30 June	Basket Range (to be confirmed)
Tues 29 September	Birdwood

# Conflict of Interest Disclosure Form

**CONFLICTS MUST BE DECLARED VERBALLY DURING MEETINGS**

Councillor:

Date:

Meeting name:

Agenda item no:

**1. I have identified a conflict of interest as:**

MATERIAL

ACTUAL

PERCEIVED

**MATERIAL:** Conflict arises when a council member or a nominated person will gain a benefit or suffer a loss (whether directly or indirectly and whether pecuniary or personal) if the matter is decided in a particular manner. If declaring a material conflict of interest, Councillors must declare the conflict and leave the meeting at any time the item is discussed.

**ACTUAL:** Conflict arises when there is a conflict between a council member's interests (whether direct or indirect, personal or pecuniary) and the public interest, which might lead to decision that, is contrary to the public interest.

**PERCEIVED:** Conflict arises in relation to a matter to be discussed at a meeting of council, if a council member could reasonably be taken, from the perspective of an impartial, fair-minded person, to have a conflict of interest in the matter – whether or not this is in fact the case.

**2. The nature of my conflict of interest is as follows:**

(Describe the nature of the interest, including whether the interest is direct or indirect and personal or pecuniary)

**3. I intend to deal with my conflict of interest in the following transparent and accountable way:**

I intend to **leave** the meeting (*mandatory if you intend to declare a Material conflict of interest*)

**OR**

I intend to **stay** in the meeting (**complete part 4**) (*only applicable if you intend to declare a Perceived (Actual conflict of interest)*)

**4. The reason I intend to stay in the meeting and consider this matter is as follows:**

(This section must be filled in. Ensure sufficient detail is recorded of the specific circumstances of your interest.)

and that I will receive no benefit or detriment direct or indirect, personal or pecuniary from considering and voting on this matter.

**CONFLICTS MUST ALSO BE DECLARED VERBALLY DURING MEETINGS**

Governance use only: Member voted FOR/AGAINST the motion.





### Ordinary Business Matters

A **material, actual or perceived** Conflict of Interest does not apply to a matter of ordinary business of the council of a kind prescribed by regulation.

The following ordinary business matters are prescribed under Regulation 8AAA of the Local Government (General) Regulations 2013.

- (a) the preparation, discussion, conduct, consideration or determination of a review under section 12 of the Act
  - (b) the preparation, discussion, adoption or revision of a policy relating to allowances and benefits payable to members if the policy relates to allowances and benefits payable equally to each member (rather than allowances and benefits payable to particular members or particular office holders)
  - (c) the preparation, discussion, adoption or alteration of a training and development policy under section 80A of the Act
  - (d) the preparation, discussion, adoption or amendment of a strategic management plan under section 122 of the Act
  - (e) the adoption or revision of an annual business plan
  - (f) the adoption or revision of a budget
  - (g) the declaration of rates (other than a separate rate) or a charge with the character of a rate, and any preparation or discussion in relation to such a declaration
  - (h) a discussion or decision of a matter at a meeting of a council if the matter—
    - (i) relates to a matter that was discussed before a meeting of a subsidiary or committee of the council
    - (ii) the relevant interest in the matter is the interest of the council that established the committee or which appointed, or nominated for appointment, a member of the board of management of the council subsidiary or regional subsidiary.
- (2) For the purposes of section 75(3)(b) of the Act, a member of a council who is a member, officer or employee of an agency or instrumentality of the Crown (within the meaning of section 73(4) of the Act) will not be regarded as having an interest in a matter before the council by virtue of being a member, officer or employee.

### Engagement and membership with groups and organisations exemption

A member will not be regarded as having a conflict of interest **actual or perceived** in a matter to be discussed at a meeting of council by reason only of:

- an engagement with a community group, sporting club or similar organisation undertaken by the member in his or her capacity as a member; or membership of a political party
- membership of a community group, sporting club or similar organisation (as long as the member **is not** an office holder for the group, club or organisation)
- the member having been a student of a particular school or his or her involvement with a school as parent of a student at the school
- a nomination or appointment as a member of a board of a corporation or other association, if the member was nominated for appointment by a Council.

However, the member will still be required to give careful consideration to the nature of their association with the above bodies. Refer Conflict of Interest Guidelines.

**For example:** If your **only** involvement with a group is in your role as a Council appointed liaison as outlined in the Council appointed liaison policy, you will not be regarded as having a conflict of interest actual or perceived in a matter, and are **NOT** required to declare your interest.